

REMARKS

Claims 1-19 are pending in the subject application. By this Amendment, applicants have amended claims 1, 7, 15 and 19 and cancelled claims 13 and 14. Support for the amendments to claims 1, 7 and 15 can be found in the specification as originally filed, for example as shown in Figs. 1 and 6. Applicants are amending Claim 19 to correct typos in the original submission. Applicants maintain that the amendments do not introduce new matter. Accordingly, entry of the claim amendments is respectfully requested.

Rejections under 35 U.S.C. §§102 and/or 103

On page 2 of the Office Action, the Examiner rejected claims 1 and 7 under 35 U.S.C. §102(a) as anticipated by Bruemmer et al. (U.S. Patent No. 5,176,672).

On page 4 of the Office Action, the Examiner rejected claims 2, 4, 6, 8, 10, 12, 13, 15-17 and 19 under 35 U.S.C. §103(a) as obvious over Bruemmer et al. (U.S. Patent No. 5,176,622).

On page 9 of the Office Action, the Examiner rejected claims 3, 5, 9, 11, 14 and 18 under 35 U.S.C. §103(a) as obvious over Bruemmer et al. (U.S. Patent No. 5,176,672) in view of Everett et al. (U.S. Patent No. 5,562,650).

Applicants have hereinabove amended independent claims 1, 7 and 15 and cancelled claims 13 and 14. Applicants maintain that none of the references cited by the Examiner, either alone or in combination, teach or suggest the claimed invention. Applicants maintain that the cited references do not teach or suggest a disposable absorbent article comprising a liquid-pervious topsheet, a liquid absorbent layer disposed

between said topsheet and a backsheet, said liquid-absorbent layer having a crotch region, a top surface and a bottom surface and a single through slit extending from said top surface to said bottom surface of said liquid absorbent layer, wherein said slit is disposed within the crotch region of said absorbent layer the topsheet is continuous over the slit in the liquid absorbent layer. Col. 1 lines 24-29 of Bruemmer et al. discloses the use of a topsheet that is formed with an opening where said topsheet is spaced above an absorbent body with an opening therein in order to form a pocket for isolating and containing waste material. Because it deliberately teaches away from the use of a slit in a liquid absorbent layer covered by a continuous topsheet, Bruemmer cannot anticipate or render obvious the claims of the present invention. Applicants maintain that the dependent claims of the present invention are novel in light of the newly amended independent claims 1, 7 and 15. Accordingly, the reconsideration and withdrawal of these rejections are respectfully requested.

Information Disclosure Statement

Pursuant to 37 C.F.R. §§ 1.56, 1.97, and 1.98, applicants enclose herewith form PTO/SB/08A, and a copy of the reference cited therein. A check for \$180 is enclosed pursuant 37 C.F.R. §1.17(p).

CONCLUSION

In view of the amendments and remarks made hereinabove, applicants respectfully request that the Examiner reconsider and withdraw the rejections set forth

Appl. No. 10/066,771, filed 02/04/2002
Amdt. dated 06/28/2004
Reply to Office Action of 03/29/2004

in the March 29, 2004 Office Action and earnestly solicit passage of the pending claims to allowance.

No other fee, besides the \$180 IDS fee, is deemed necessary in connection with the filing of this Amendment. If any additional fee is required to preserve the pendency of the subject application, or consider the IDS, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 01-1785. Overpayments may also be credited to Deposit Account No. 01-1785.

Respectfully submitted

AMSTER, ROTHSTEIN & EBENSTEIN LLP
Attorneys for Applicant
90 Park Avenue
New York, NY 10016
(212) 336-8000

Dated: New York, New York
June 28, 2004

By: 
Kenneth P. George, Reg. No. 30,259